

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FELIX CHACON,

Defendant.

4:21CR3049

AMENDED ORDER

Defendant was released on conditions on May 18, 2021. He absconded at some time prior to July 26, 2021, and he did not appear at his trial on that date. A bench warrant was issued. Defendant was arrested on that warrant on December 30, 2022, and he appeared before the Nebraska court today. Due to the Defendant's absence from the District of Nebraska, defense counsel and Defendant have been unable to prepare for trial. And the government must again prepare for trial by locating and securing the presence of its witnesses.

Accordingly,

IT IS ORDERED:

- 1) The trial of this case is set to commence before John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on April 24, 2023, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 2) The government's expert witness disclosures as required under Rule 16 must be served on or before March 24, 2023, with any defense Rule 16 expert disclosures served on or before April 7, 2023, and any rebuttal opinions disclosed on or before April 14, 2023.
- 3) The time between July 26, 2021 and April 24, 2023, shall be deemed excludable time in any computation of time under the

requirements of the Speedy Trial Act because the defendant absconded and was unavailable for trial or trial preparation, and the parties therefore require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(F), (h)(3), and (h)(7)(A) & (B). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 16, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge